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Attorney Docket **P1979R1**
PATENT

EV 351 925 065 US: Express Mail Number

²¹ *umz*
November 20, 2003: Date of Deposit

Wendy M. Lee
Wendy M. Lee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

22581 U.S. PTO
10/7/19310
112103

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Paul G. Brunetta, San Francisco, California
Mark X. Sliwkowski, San Carlos, California

Title: **THERAPY OF NON-MALIGNANT DISEASES OR DISORDERS WITH ANTI-ERBB2 ANTIBODIES**

1. Type of Application

- ☐ This application is for an original, non-provisional application.
- ☒ This is a non-provisional application claiming priority to provisional application no. 60/428,027, filed November 21, 2002, the entire disclosure of which is hereby incorporated by reference.
- ☐ This is a ☐ continuation-in-part ☐ continuation ☐ divisional application claiming priority to application Serial Number __, filed __, the entire disclosure of which is hereby incorporated by reference.

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)

56 pages of specification
5 pages of claims
1 page(s) of abstract
12 sheet(s) of drawings
☒ formal ☐ informal

3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)
 X An executed declaration of the inventor(s) ☐ is enclosed ☒ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)
 A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)
 A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)
 X An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☒ will follow.

(for cont./div.)
 The prior application is assigned of record to Genentech, Inc.

5. Amendments (for continuation and divisional applications)

 Cancel in this application original claims __ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

 A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$770.00
Total Claims	46	- 20 =	26	X \$18.00	\$468.00
Independent Claims	6	- 3 =	3	X \$86.00	\$258.00
— Multiple dependent claim(s), if any				+ \$290.00	\$0.00
Filing Fee Calculation					\$1,496.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$1,496.00. **A duplicate copy of this transmittal is enclosed.**

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this transmittal is enclosed.**

9. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☐ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- _____ A copy of the petition for extension of time in the **prior** application is attached.

11. Correspondence Address:

X Address all future communications to:

Attn: Wendy M. Lee
Customer No: 09157

^{WML}
Date: November ²¹~~20~~, 2003

Respectfully submitted,
GENENTECH, INC.

By: WML
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CUSTOMER NO: 09157